

REMARKS

A. Response to Restriction Requirement

The Examiner has restricted the claims into Groups I-XIV.

Applicants provisionally elect, with traverse, Group IV, claims 23-27, drawn to a method for identifying a substance modulating Pyk2 binding protein activity.

Applicants traverse the Restriction Requirement on the grounds that examining all of the pending claims does not present an undue burden on the Examiner. There is overlapping subject matter between many of the groups. Therefore, when one of the Groups of claims is searched, the subject matter of other groups will also be uncovered. According to MPEP § 803, “if a search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent and distinct inventions.”

B. Response to Election of Species Requirement

The Examiner asserts that the claims are directed to the following patentably distinct species of the claimed invention:

A. Pap α (SEQ ID NO: 1) or Pap β (SEQ ID NO: 2)

B. Pyk2 or Sac

The Examiner states that if one of Groups I-XII is elected, Applicants are required under 35 U.S.C. § 121 to elect a single disclosed species from Group A, and if Group IV is elected, Applicants are required under 35 U.S.C. § 121 to elect a single disclosed species from Group B. With respect to the Election of Species Requirement, Applicants elect SEQ ID NO: 1. The Examiner is reminded that a species election is solely for search purposes and that should the elected species be free of the prior art, the Examiner will follow the procedure in M.P.E.P. 803.02 and extend the search to the other species.

Applicants, of course, reserve the right to file a divisional application covering the subject matter of the non-elected claims. Applicants also reserve the right to appeal the restriction requirement to the Commissioner if the requirement is made final in a subsequent Office Action.

CONCLUSION

The pending claims are in condition for allowance. An early notice to this effect is earnestly solicited. Should there be any questions concerning this application, Examiner Yao is invited to contact the undersigned at the number listed below.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant(s) hereby petition(s) for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 7/21/05

By Beth A. Burrous #46,785

FOLEY & LARDNER LLP
Customer Number: 22428
22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5475

Facsimile: (202) 672-5399

Beth A. Burrous
Attorney for Applicant
Registration No. 35,087